



# *All That's News From the Executive Ethics Board*

Winter, 2006

## EXECUTIVE ETHICS BOARD

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*Ruthann Bryant,  
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*Sue Jones, Investigator*

*Nancy Lewin,  
Investigator*

## Upcoming Board Meeting

**February 10**

For times and location of the  
meetings, go to  
[www.ethics.wa.gov](http://www.ethics.wa.gov)

## **Board Adopts, Clarifies Opinions**

### Cell Phones

At its September 9, 2005 meeting the Board adopted EEB Advisory Opinion 05-01, regarding the use of state owned cell phones for personal reasons. The opinion enables a state employee to make personal use of a state owned cell phone when no land line is available. If the use meets the de minimis standard under WAC 292-110-010(3), the employee would not violate the Ethics Act.

### Travel Rewards

The Board also clarified Advisory Opinion 03-03, which allows an employee to use air travel miles for personal reasons without violating the Ethics Act, by including other types of travel awards, such as hotel points and rental car awards.

### Use of Resources for training and education

The Board also answered the following question: **Can I use my agency's computer and/or access the Internet for training or educational purposes, either personal or work related?**

Answer: Yes, an agency may authorize the use of an agency's computer and/or access to the Internet for training or education that is related to official duties, including career and educational development identified and approved by the agency, pursuant to RCW 41.06.410, and is documented by the agency as such. This training or education may be done on state time as approved by the agency, while other use of computers and/or access to the Internet for personal training or educational purposes is limited to an agency's de minimis use policy. Tuition-reimbursement training or education (WAC 356-39-100) in itself does not authorize other than de minimis use where it is not related to official job duties. (Frequently Asked Question 5-A.)

**FOR COPIES OF ANY ADVISORY OPINION, VISIT OUR WEBSITE OR CONTACT OUR  
OFFICE AT 360-664-087 OR VIA E-MAIL: [ETHICS@ATG.WA.GOV](mailto:ETHICS@ATG.WA.GOV)**

## How to Reach Us

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## Confidentiality in Filing Complaints

Pursuant to RCW 42.17.310(1)(d), information received by the Executive Ethics Board staff during the course of an investigation shall remain confidential. However, once an investigation is complete, the file must be considered an open public record. RCW 42.17.310(1)(e) allows the Board to keep confidential the names of complainants only if those persons have indicated that they believe the disclosure of their identities would endanger their lives, safety or property. Unlike other state agencies and statutes, the Ethics in Public Service Act does not protect against retaliation in the workplace---fear of retaliation is not sufficient grounds to seek confidentiality with the Executive Ethics Board.

## Training Revisited

The Executive Ethics Board recently partnered with the Department of Personnel (DOP) to offer instructor led ethics training to state employees. Currently, there are four sessions scheduled for managers, supervisors, ethics advisors and HR staff who work on ethical issues. The course is called "HELP: Ethical Leadership and Decision Making" (01-09-M504). It's a four hour workshop and the agency chargeback fee is \$99/person. Currently scheduled dates and places in 2006 are:

Jan 25 OLYMPIA  
Mar 3 OLYMPIA  
Apr 25 SEATTLE  
Jun 15 OLYMPIA

These sessions are filling up fast but more sessions will be added as needed. For a complete course description visit:

[http://hr.dop.wa.gov/training0905/Courses/mgmt/help\\_ethical\\_leadership\\_decision\\_making.htm](http://hr.dop.wa.gov/training0905/Courses/mgmt/help_ethical_leadership_decision_making.htm). Please follow your agency's registration procedures to enroll in these classes. If you want a session just for your agency contact Bill Zachmann at [billz@dop.wa.gov](mailto:billz@dop.wa.gov)

During early 2006, DOP plans to develop an on-line ethics training course for all state employees that will be accessible via the state's eLearning Network. And, DOP is also currently working on an instructor led ethics training course for all state employees. Stay tuned for further announcements!

## Recent Case Decisions



**Case 03-145** A former University football coach accepted an illegal gift of travel on a private airplane for he and his family. He argued that the travel was not a gift because it was from a family friend. The coach agreed to pay a civil penalty of \$5,000.

**Case 02-039** The former Director of the Pollution Liability Insurance Agency settled with the Board by admitting that he violated the Ethics laws when he used state resources, equipment and time, for personal reasons; by giving a special privilege to an employee by allowing that person to sell insurance in the facilities; by accepting a gift from a contractor; and by engaging in activities that created a conflict of interest when he hired his girlfriend, supervised her work, approved her leave and conducted her performance evaluation. He agreed to pay a penalty of \$5,000.

**Case 04-006** An employee of the Department of Health used her state computer, including the internet and e-mail, for personal reasons. She reached a settlement with the Board and agreed to pay a penalty of \$500.

**DID YOU KNOW** that the Board will not impose sanctions against an individual who engaged in conduct that would violate the Ethics Act if the Board had previously reviewed and approved agency policy---and the actions engaged in by the employee were in line with the agency's policy? WAC 292-120-035

**DID YOU KNOW** that, not only is it a potential violation for an employee to use his or her state computer for personal use, but all documents created on the state owned computer (including e-mail) may be subject to the public records law?

**DID YOU KNOW** that, since 2000, the Board has imposed penalties in excess of \$139,000 against 64 individuals?

**DID YOU KNOW** that these 64 individuals were personally liable for their penalties, and did not receive legal assistance from the State Attorney General's office?

**DID YOU KNOW** that some of these 64 individuals also had to pay for the cost of the investigation in addition to any penalty assessed?

**Case 03-121** An employee of the Department of Social and Health Services used her computer, including the internet, e-mail and instant messaging, for personal reasons. She agreed to pay a civil penalty of \$500.

**Case 01-110** A former employee of the Washington State Patrol acknowledged that she violated the ethics laws by using her state cell phone and scan card to place personal calls that went beyond the de minimis rule. She agreed to pay a penalty of \$750.

**Case 03-020** A former employee of the Attorney General's Office used state resources to produce documents needed for private litigation. Through a stipulation, he agreed to pay \$500.

**Case 03-120** An employee with the Department of Corrections used her computer for personal reasons. She agreed to a penalty of \$400, \$80 of which was to recover investigative costs.

**Case 01-055** A former employee with the Governor's Office on Indian Affairs (GOIA) violated the ethics laws when she engaged in activities that created a conflict of interest. She received payment for work performed that was part of her official duties; she participated in a contract in which her spouse entered with GOIA; and was a beneficiary in a contract with her spouse, and worked on the contract by providing training, while on state time, without taking leave. She agreed to a penalty of \$500 and to reimburse GOIA \$775.

**Case 03-024** A Department of Retirement Systems employee agreed to pay a penalty of \$250 for using state resources to conduct union business that was not for the purpose of negotiating or administering their collective bargaining agreement.

**Case 02-012** The Executive Director of the State Sentencing Guidelines Commission used state resources (telephone, computer, staff time) for personal reasons, asked staff to run errands for her, and encouraged staff to participate in a daily trivia game. She agreed to a penalty of \$3,500.

TO OBTAIN A COPY OF A SETTLEMENT AGREEMENT, PLEASE CONTACT OUR OFFICE AT 360-664-0871 OR VIA E-MAIL: [ETHICS@ATG.WA.GOV](mailto:ETHICS@ATG.WA.GOV)

## USE OF STATE RESOURCES

The EEB receives more complaints on this topic than any other under its jurisdiction. State resources, including state property and state vehicles, may not be used for private and or personal gain. A rule was adopted to provide exceptions to the no-personal use standards under RCW 42.52.160(1). That rule states that it is not a violation of the ethics law if the personal use is





infrequent, short in duration and is of little or no cost to the state. These exceptions, however, do not apply to use for political purposes or to conduct an outside business. Please be sure to visit our website for the complete text of the law and rules that apply to the personal use of state resources.

#### Word Search words:

Advisory  
Cause  
Complaint  
De Minimis  
Dismiss  
Ethics  
Enforcement  
Gift  
Investigate  
Opinion  
Reasonable  
Rule  
Safe Harbor  
Sanction  
Special Privilege  
Stipulation  
Use of Resources

## ETHICS WORD SEARCH

X	B	C	O	M	P	L	A	I	N	T	D	Z	S	Z	E
P	R	W	S	S	I	M	S	I	D	N	M	B	A	Y	G
J	K	U	C	Q	T	N	E	M	E	C	R	O	F	N	E
F	E	I	S	A	L	M	O	J	M	Z	U	R	E	S	L
Y	P	N	T	E	W	V	X	C	I	N	L	Y	H	T	I
E	A	V	I	D	O	E	Q	V	N	A	E	E	A	B	V
L	X	E	P	G	I	F	T	V	I	L	M	J	R	G	I
B	P	S	U	Q	A	S	R	E	M	V	B	Q	B	T	R
A	S	T	L	O	E	R	T	E	I	Y	U	I	O	K	P
N	B	I	A	B	P	S	X	V	S	Q	E	V	R	C	L
O	Z	G	T	E	D	I	C	Y	R	O	S	I	V	D	A
S	X	A	I	E	T	B	N	Y	F	M	U	B	D	A	I
A	O	T	O	T	P	H	N	I	P	R	A	R	M	D	C
E	U	E	N	O	I	N	I	P	O	N	C	M	C	O	E
R	X	M	Y	M	Y	W	X	C	T	N	J	K	L	E	P
G	S	N	O	I	T	C	N	A	S	N	T	S	V	W	S

Visit the Executive Ethics Board's website and take the Ethics Challenge! See how much you know about the ethics laws.

[www.ethics.wa.gov](http://www.ethics.wa.gov)